

The Corporation of the City of Kawartha Lakes
Minutes
Committee of Adjustment Meeting

COA2024-10
Thursday, October 24, 2024
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Emmett Yeo
Betty Archer
Gerald Erickson
Sandra Richardson
Lloyd Robertson
Stephen Strangway
Eric Finn

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To see the full proceedings of the public meeting, go to the City of Kawartha Lakes YouTube Channel.

1. Call to Order

Chair Strangway called the meeting to order at 1:01pm. Members B. Archer, G. Erickson and E. Finn attended in person.

Councillor Yeo attended via electronic participation.

Staff, L. Barrie, Director of Development Services, K. Evans, Senior Planner, A. Shahid, Planner II, M. LaHay, Secretary-Treasurer, M. McKinnon, Supervisor of Plans Review and Inspections and C. Crockford, Recording Secretary, attended in person.

Absent: L. Robertson and S. Richardson.

2. Administrative Business

2.1 Adoption of Agenda

October 24, 2024

Committee of Adjustment Agenda

Mr. Shahid, Planner II requested that Section 3.1.5 COA2024-100, File D20-2024-092, 26 Hummingbird Lane be removed from the agenda and deferred to the November 28th meeting as new information became known after the writing of the report as well as comments received from internal and external agencies. The deferral will allow the applicant and owner to work with those agencies to gain their support and formulate an appropriate proposal.

CA2024-123

Moved By E. Finn

Seconded By B. Archer

That the agenda be approved as amended.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

September 26, 2024

Committee of Adjustment Minutes

CA2024-124**Moved By** B. Archer**Seconded By** G. Erickson

That the minutes of the previous meeting held September 26, 2024 be adopted as printed.

Carried**3. New Applications****3.1 Minor Variances****3.1.1 COA2024-095**

Katherine Evans, Senior Planner

File Number: D20-2024-087 and D03-2024-002

Location: 25 Melbourne Street East

Lot 8, Plan 15P

Former Town of Lindsay

Owner: 974660 Ontario Inc.

Applicant: Miller Planning Services c/o Roger Miller

Before proceeding with the presentation, Ms. Evans brought to the Committees attention that after the circulation and writing of the report it was identified that the setback between the driveway on the retained lot and the proposed interior lot line is deficient. A second relief is requested from Section 5.12 j) vi) of the Zoning By-law, which was explained to the Committee. The matter was discussed with the Director of Development Services who was in support to proceed with the application. It was turned over to the Committee for their consideration to proceed. The Committee agreed to proceed.

Ms. Evans summarized Report COA2024-095, which relates to the minor variance and consent. The purpose and effect is to facilitate the severance of the property to create one (1) new residential lot to contain a future single detached dwelling. Relief sought: Section 7.2 b) of the Zoning By-law requires a minimum lot frontage of 12 metres; the proposed lot frontage of the severed lot is 10.3 metres. Section 5.12 j) vi) provides that no driveway shall be closer than 0.6 metres to a side lot line; the proposed setback between the driveway on the retained lot and the interior side lot line is 0.5 metres.

Ms. Evans spoke to the concerns received from the neighbouring property owners, which were contained within the report relating to the proposed new dwelling being a rental property, impacts on the community's safety, traffic, parking, impacts to the mature trees, privacy and light issues.

The Committee had the following questions:

- 1) Size of the frontage of the two lots to the east of the proposed severed lot.
- 2) Sufficient parking spaces.
- 3) Definition of single detached dwelling.
- 4) The interior side yard setback for the Lindsay Zoning By-law compared to other municipalities.
- 5) Limitation to number of persons permitted to live in the proposed dwelling.

Ms. Evans responded. The frontage of the proposed new lot is smaller than the two existing lots to the east, but is comparable. The parking on the proposed lot is compliant with the Zoning By-law. A single detached dwelling contains one primary dwelling unit, as opposed to a semi-detached dwelling or duplex dwelling. The Lindsay Zoning By-law does not have larger interior side yard setbacks for residential lots when the dwelling is greater than one storey.

Mr. McKinnon, Supervisor of Plans Review and Inspections responded that maximum occupancy is related to number of bedrooms (2 people per bedroom).

The applicant, Mr. Miller of Miller Planning Services was present in person. Mr. Miller agreed with the Staff report as well as the amendment for an additional relief applied for today. Mr. Miller confirmed that the owner intends to build a single-family dwelling on the severed lot and to restore the dwelling on the retained lot.

The Committee noted and asked the applicant if the severed lot having the smallest frontage is in keeping with the neighbouring lots. Mr. Miller stated he is satisfied that it is compatible with the neighbouring lots.

Opposed to the application, Ms. Meenan, a member of the public was present in person on behalf of the neighbourhood and spoke to various concerns provided in the report.

The Committee asked Ms. Meenan where the location of the right-of-way is. Ms. Meenan explained the location.

The Committee noted with the additional relief that the report should reflect the wording "as amended". Ms. Evans agreed and that the wording would be reflected in the notice of decision.

A motion was made to approve the application as amended. Member Finn was opposed.

There were no further questions from the Committee or other persons.

CA2024-125

Moved By G. Erickson

Seconded By B. Archer

That minor variance application D20-2024-087 as amended be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** development related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-095, which shall be attached to and form part of the Committee's Decision; and,
2. **That** development related to the minor variance as amended shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused.

This approval pertains to the minor variance application as amended as described in report COA2024-095. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Conditions of Provisional Consent

Refer to Appendix D for Conditions of Provisional Consent.

These approvals pertain to the application as described in report COA2024-095. Fulfillment of all conditions is required for the consent to be fulfilled.

Carried

Ahmad Shahid, Planner II
File Number: D20-2024-088
Location: 20 Lakeview Boulevard
Part Lot 11, Concession C (being Lot 11 of Registered Plan 447)
Geographic Township of Mariposa
Owners: Michael and Pat Adam
Applicant: TD Consulting Inc.

Mr. Shahid summarized Report COA2024-096. The purpose and effect is to facilitate the construction of an addition onto the existing dwelling and a new lakeside deck. The proposed lakeside deck will replace the previous sunroom and deck. The existing mudroom will be removed in place of the proposed addition. Relief sought: Section 14.2.1.4 of the Zoning By-law, which requires a 30 metre water setback; the proposed water setbacks are 12.9 metres (deck stairs) and 17.64 metres (addition).

After the writing of the report, comments were received from Kawartha Region Conservation Authority (KRCA) stating their office has no concerns with the proposal and that a permit may be required. As such, Condition 2 has been added.

The applicant, Ms. Archer of TD Consulting Inc. was present in person, thanked staff and was available for questions.

A motion was made to approve the application as amended.

There were no questions from the Committee or other persons.

CA2024-126

Moved By B. Archer

Seconded By E. Finn

That minor variance application D20-2024-088 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-096, which shall be attached to and form part of the Committee's Decision;

2. **That** prior to the issuance of a Building Permit, the applicant provide written confirmation from Kawartha Region Conservation Authority staff to the Secretary-Treasurer confirming whether a permit is required from Kawartha Region Conservation Authority and that any required permits/approvals from Kawartha Region Conservation Authority be obtained; and,
3. **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-096. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.3 COA2024-098

Ahmad Shahid, Planner II

File Number: D20-2024-090

Location: 131 Kenedon Drive

Part of Lot 17, Concession 7 (being Parts 1 and 3 of Reference Plan 57R-5230)

Geographic Township of Emily

Owners/Applicants: Jodi Gienow and Robert Berry

Mr. Shahid summarized Report COA2024-098. The purpose and effect is to recognize an existing shed/bar structure and existing storage container. Relief sought: Section 3.1.2.1 of the Zoning By-law requires accessory structures to be located in a side or interior yard; the existing storage container is located in the front yard; Section 12.2.1.3 of the Zoning By-law requires a minimum 30 metre water setback; the existing water setback from the shed/bar is 19.50 metres.

After the writing of the report, comments were received from Kawartha Region Conservation Authority (KRCA) stating their office has no concerns with the application and that a permit will be required from their office.

The Committee had the following questions:

- 1) Referring to Appendix C, the Committee noted the dwelling being L shaped. If

the owner were to place the storage container within the L shape on the west side, would it still be considered the front yard area? Mr. Shahid stated that the septic system is located within the L shape. However if it were to be considered then it would be classified as the side yard.

2) Where a condition states photographic proof of the removal of a structure is required, does an affidavit accompany the photo? Ms. Barrie responded stating that it is not required and that the proponent is required to be truthful and honest.

There were no further questions from the Committee or other persons.

CA2024-127

Moved By E. Finn

Seconded By G. Erickson

That minor variance application D20-2024-090 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-098, which shall be attached to and form part of the Committee's Decision;
2. **That** the detached garage identified in Appendix C, submitted as part of Report COA2024-098, be removed within a period of twelve (12) months after the date of the Notice of Decision. This condition will be considered fulfilled upon the owner providing photographic evidence that the structure has been removed to the Secretary-Treasurer; and,
3. **That** this approval shall be in effect a period of twelve (12) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-098. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.4 COA2024-099

Katherine Evans, Senior Planner
File Number: D20-2024-091
Location: 26 Goodman Road
Part Lot 31, Concession 8 (being Lot D and E on Plan 115 and including Part 1
on Reference Plan 57R-2865)
Geographic Township of Fenelon
Owners: Chris and Nicole Lewis
Applicant: Chris Lewis

Ms. Evans summarized Report COA2024-099. The purpose and effect is to facilitate the demolition of the existing detached garage and the construction of a new detached garage. Relief sought: Section 10.2.1.3 a) of the Zoning By-law requires a minimum front yard setback of 7.5 metres; the proposed setback is 3.2 metres; and, Section 3.1.3.2 of the Zoning By-law provides that the maximum height for an accessory building or structure is 5 metres; the proposed height is 6.3 metres.

After the writing of the report, comments were received from the Supervisor of Part 8 Sewage Systems stating an issue with the setback between garage and the septic system. Condition 3 has been added to ensure compliance with all requirements of the septic system. Kawartha Region Conservation Authority (KRCA) stated that a permit may be required and that a Karst assessment may be required. Condition 4 has been added to ensure that any approvals required are obtained. Condition 5 has been added to ensure the City receives confirmation from the Ministry of Transport (MTO) as to whether they will require any approvals or permits and that a building permit will not be issued until confirmation is received.

Public comments were received from Steve Hunt of 10 Goodman Road in support of the application.

The Committee asked staff if the circulating agencies are given a timeline to respond with their comments. Ms. Evans replied that the Ministry of Transportation (MTO) have a new portal of which the circulation was submitted and that a date for a response was given. Mr. McKinnon, Supervisor of Plan Review and Inspections indicated that if approvals are required from MTO, it is applicable law and must be obtained before the issuance of a building permit. Ms. Barrie, Director of Development Services commented that more and more agencies are introducing portals as a way of streamlining their processes for

efficiencies and that in the meantime MTO have given staff the ability to connect with a person in their office.

The applicant, Mr. Lewis was available in person and thanked staff. Mr. Lewis stated that he has already contacted Kawartha Region Conservation Authority (KRCA) and applied for a permit.

The Committee asked Mr. Lewis regarding the proposed garage; which direction are the doors going to face? Mr. Lewis replied that they will face to the east towards his lane way.

There were no further questions from the Committee or other persons.

A motion was made to approve the application as amended.

CA2024-128

Moved By Councillor Yeo

Seconded By B. Archer

That minor variance application D20-2024-091 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and the construction drawings in Appendix D submitted as part of Report COA2024-099, which shall be attached to and form part of the Committee's Decision;
2. **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection;
3. **That** approval under the Ontario Building Code (OBC) pertaining to private sanitary waste disposal be obtained within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon achievement of compliance to the satisfaction of the Supervisor of Part 8 Sewage Systems;
4. **That**, prior to the issuance of a Building Permit, the applicant provide written confirmation from Kawartha Region Conservation Authority staff to

the Secretary-Treasurer confirming whether a permit is required from Kawartha Region Conservation Authority and that any required permits/approvals from Kawartha Region Conservation Authority be obtained; and,

5. **That**, prior to the issuance of a Building Permit, approvals and/or permits required by the Ministry of Transportation, if applicable, are applied for and granted. This condition will be considered fulfilled upon the provision of written confirmation from the Ministry of Transportation to the Secretary-Treasurer confirming that approvals and/or permits from the Ministry of Transportation are not required, or the provision of written confirmation that the required approvals and/or permits have been issued.

This approval pertains to the application as described in report COA2024-099. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.6 COA2024-101

Katherine Evans, Senior Planner
File Number: D20-2024-093
Location: 263 Glenarm Road
Part Lot 11, Concession 2
Geographic Township of Eldon
Owner/Applicant: Alaric Cowie

Ms. Evans summarized Report COA2024-101. The purpose and effect is to facilitate the construction of an addition onto the existing single detached dwelling. Relief sought: Section 15.2.1.3 b) of the Zoning By-law requires a minimum interior side yard setback of 12 metres; the proposed setback is 1.5 metres.

The Committee noted that the lot is zoned commercial but is being used as residential and asked if this would cause a conflict. Ms. Evans responded that in this zone a dwelling unit is a permitted use on its own. There is no requirement for a residential use to be an accessory to a commercial use.

The applicant, Mr. Cowie was present in person and available for questions.

There were no further questions from the Committee or other persons.

CA2024-130

Moved By G. Erickson

Seconded By E. Finn

That minor variance application D20-2024-093 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketches in Appendix C and Appendix D submitted as part of Report COA2024-101, which shall be attached to and form part of the Committee's Decision; and,
2. **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-101. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.1.7 COA2024-102

Ahmad Shahid, Planner II
 File Number: D20-2024-094
 Location: 204 Rustic Trail
 Part Lot 15, Concession 8
 Geographic Township of Somerville
 Owner/Applicant: Rui Ferreira

Mr. Shahid summarized Report COA2024-102. The purpose and effect is to facilitate the construction of a detached garage. Relief sought: Section 5.2.c of the Zoning By-law requires a minimum 7.5 metre front yard setback; the proposed front yard setback from the detached garage is 3.48 metres; Section

18.1.3.c. of the Zoning By-law permits a maximum three accessory structures; as a result of the proposed detached garage, the number of accessory structures is increased to five structures.

After the writing of the report, comments were received from Kawartha Region Conservation Authority (KRCA) stating their office has no concerns with the application and that a permit is not required.

The Committee referred to Appendix C and asked why the proposed garage is angled. Mr. Shahid deferred to the applicant.

The applicant, Mr. Ferreira was present via electronic participation and responded that he had initially proposed the garage in front of the septic tank but due to distance requirements, it was not permitted. As such the current location was the only place acceptable allowing the doors to face south.

There were no further questions from the Committee or other persons.

CA2024-131

Moved By B. Archer

Seconded By G. Erickson

That minor variance application D20-2024-094 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-102, which shall be attached to and form part of the Committee's Decision; and,
2. **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-102. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried**3.1.8 COA2024-103**

Katherine Evans, Senior Planner
File Number: D20-2024-095
Location: 15 Rumohr Drive
Part Lot 29, Concession 3 (being Lot 15 on Plan 332)
Geographic Township of Dalton
Owners: Salvatorina and Andrea Giovannoni
Applicant: Marco DiTommaso

Before proceeding with the application, Ms. Evans stated that the circulation requirements under the Planning Act were not met to the letter. The sign required to be posted 10 days before the meeting was actually posted 8 days before the meeting due to an issue with the applicant's email. As soon as this issue was rectified, the applicant collected and posted the sign. The City feels it has met the intent of the circulation requirements under the Planning Act and are confident to proceed, however it is turned over to the Committee to determine whether to proceed today. The Committee agreed to proceed.

Ms. Evans summarized Report COA2024-103. The purpose and effect is to facilitate the demolition of the existing detached garage and the construction of a new detached garage. Relief sought: Section 14.1 b) of the Zoning By-law provides that an accessory building shall only be erected in a side or rear yard; the proposed garage is to be located in the front yard.

The applicant Mr. DiTommaso was present via electronic participation and confirmed that a permit is not required from Kawartha Region Conservation Authority (KRCA).

There were no further questions from the Committee or other persons.

CA2024-132**Moved By** E. Finn**Seconded By** B. Archer

That minor variance application D20-2024-095 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

Conditions

1. **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C submitted as part of Report COA2024-103, which shall be attached to and form part of the Committee's Decision; and,
2. **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2024-103. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

Carried

3.2 Consents

4. **Deferred Applications**

4.1 Minor Variances

4.2 Consents

5. **Other Business**

Ms. Archer felt obligated to notify the Committee that she is related to Ms. Vanessa Archer of TD Consulting Inc. and asked if she should declare this at each meeting although it is not of pecuniary interest. Ms. Barrie stated to all Committee members, for future reference that when determining pecuniary interest it is incumbent on the member to satisfy himself or herself that they have no interest.

Mr. Erickson made reference to the last application which referred to "the Rural Zoning By-law" and while not currently in effect, it also permits a detached garage in the front yard. Can the Rural Zoning By-law be relied upon for support when not in effect? Ms. Evans explained that the sentence was used for comparative purposes. Ms. Barrie also commented.

6. **Correspondence**

7. **Next Meeting**

The next meeting will be Thursday, November 28th at 1:00pm in Council Chambers, City Hall.

8. Adjournment

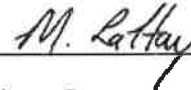
CA2024-133

Moved By B. Archer

Seconded By E. Finn

That the meeting be adjourned at 2:21pm.

Carried



Mark LaHay, Secretary-Treasurer

to

REPORT COA2024-095FILE NO: D20-2024-087D03-2024-002**PROPOSED CONDITIONS OF PROVISIONAL CONSENT**

1. The owner shall submit to the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the parcel to be severed, for review and endorsement, and the subsequent registered reference plan of survey; or, alternatively, the applicant's solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
2. That the Minor Variance (D20-2024-087) be in force and effect.
3. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Secretary-Treasurer as written confirmation from the City's Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151 and that an entrance permit would be available for the lot to be severed.
4. Submit to the Secretary-Treasurer written confirmation from the Chief Building Official or his/her designate, that the existing garage and foundation have been removed from the property or demolished and that the Chief Building Official or his/her designate shall confirm, in writing to the Planning Division, when such removal and/or demolition has been satisfactorily completed.
5. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
6. The owner shall submit to the Secretary-Treasurer written confirmation of payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
7. The owner shall submit payment to the City of Kawartha Lakes the stamping fees prevailing at the time the Transfer/deed is stamped for the review and clearance of these conditions. The current fee is \$500.00 per lot or parcel. Payment shall be by certified cheque, money order, or from a lawyer's trust account.

8. The owner's solicitor shall provide a transfer/deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel(s) of land described in the decision.
9. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
10. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
11. All of these conditions shall be fulfilled within a period of two (2) years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.